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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/169,024    10/09/98    STABLE

D    97-149

JOAN OWEN  
301 WATEREE AVENUE  
COLUMBIA SC 29205

MMC1/0516

EXAMINER

NGUYEN, V

ART UNIT

PAPER NUMBER

2858

DATE MAILED:

05/16/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. 09/169,024	Applicant(s) STABLE, DWIGHT W.	
	Examiner VINH P NGUYEN	Art Unit 2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 February 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____                                    |

1. The amendments to the specification filed on Aug. 9, 2000 has not been entered because they are in improper format . Correction is required.
2. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is unclear how the electrical circuit, a pair of connection leads and a light are interrelated and associated with an electric meter. In claim 4-5, it is unclear how the thermostat is interrelated and associated with the electric meter. In claim 12, it is unclear what are meant by "generating a resistance" and "noting the generation of said resistance". In claim 13, "said resistance generating means" has no antecedent basis. In claim 14, "said generation noting means" has no antecedent basis. In claim 15, "said activation noting means" has no antecedent basis. In claim 16, it is unclear what are meant by "generating a resistance" and "noting the generation of said resistance". In claim 17, it is unclear what "connection leads" represent. Are they shown in any of drawings? Are they the same as "connection leads". Furthermore, it appears that the step of "attaching said second of said leads...", "attaching said first lead to a first phase terminal", "generating a resistance", "noting the activation of light" and other steps are already claimed in claim 16, therefore some of those steps are improper redundant steps.

The dependent claims not specifically address share the same indefiniteness as they depend from rejected base claims.

3. Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is unclear from the specification what are meant by "generating a resistance" and "noting the generation of said resistance". It is unclear which devices are used for performing those steps.

Furthermore, it is unclear from the specification how one of the clips is connected to one of the meter terminals meanwhile the meter is still connected to the main power supply . Does the operator have to take off the meter, connect one of the clips to one of the meter terminals, then insert the meter back to the main power supply. Is the device of the instant application acting as an interface between the main power supply and the meter ? Therefore the operation of the instant device is not well understood.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 and 6-11 (insofar as understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (Pat # 4,605,895).

As to claims 1 and 6, Park discloses a domestic electric tester having a light (15), a plurality of connection terminals (11A,11B,11C,11D,11E) for connecting to any element under test (not shown) and a circuit breaker or switch (19). It would have been obvious for one of ordinary skill in the art to use this device for monitoring the function of an electric meter since the terminal (11A) is used for measuring an AC power voltage from 110-240 Volts. It appears that the element under test is connected in series with the first and second leads (A1,A2 of the terminal "11A"). Furthermore, as to claim 2, it appears that the device of Park inherently has fuse for protecting the device from burning out. As to claim 3, it appears that the fuse carrying 20AMPS is a well-known fuse used for protecting the device. As to claim 7, the size and color of the light would have been an obvious design choice since it depends on how strong the current flowing through light is. As to claims 8-9, the connection leads of Park could be ended in a clip or a probe, this is an obvious design choice as long as they can make electrical contact. As to claims 10-11, the type of element such as "water heater element" would have been an obvious design choice since the type of the element under test is not given any patentable weight.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 12 and 16-17 (insofar as understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Davidson et al (Pat # 4,922,185).


As to claims 12 and 16-17, Davisson et al disclose a diagnostic meter base as shown in figure # 5 having a meter (42) and a device (10) with a plurality of connection leads ((15-20) for connecting with meter terminals (15A-20A) and other leads (21-26) connected to line terminals and load terminals.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Young et al (pat # 2,249,075) disclose a test device for detachable electrical instruments.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH P. NGUYEN whose telephone number is (703) 305-4914.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4900.

  
VINH P. NGUYEN  
PRIMARY EXAMINER  
ART UNIT 2858  
05/15/2001